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American Samoa

Working paper prepared by the Secretariat

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Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations. Information was transmitted by the administering Power on 16 December 2016. Further details are contained in previous working papers, available from www.un.org/en/decolonization/workingpapers.shtml.

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The Territory at a glance

Territory: American Samoa is a Non-Self-Governing Territory under the Charter of the United Nations. It is an unincorporated and unorganized territory of the United States of America, administered by the Office of Insular Affairs of the United States Department of the Interior.

Representative of administering Power: United States Department of the Interior, which has a representative resident on the ground[a]

Geography: Located in the South Pacific, approximately 3,700 km south-west of Hawaii and 4,350 km north-east of Australia. The Territory consists of seven islands: Tutuila and Aunuu, in addition to Ofu, Olosega and Ta'u (known as the Manu'a Islands) and the two coral atolls known as Rose Island and Swains Island.

Land area: 200 km²

Exclusive economic zone: 404,391 km²

Population: 60,200 (2016 estimate)

Life expectancy at birth: 75.9 years (women); 69.3 years (men)

Ethnic composition: Native Pacific Islander (92.6 per cent); Asian (3.6 per cent); white (0.9 per cent); other ethnic origin (2.9 per cent)

Languages: English, Samoan

Seat of Government: Fagatogo

Head of territorial Government: Governor Lolo Letalu Matalasi Moliga

Main political parties: Democrat, Republican

Elections: The most recent elections were held in November 2016 to elect the Governor and Lieutenant Governor, the delegate to the United States House of Representatives and 20 members of the American Samoa House of Representatives. The next elections are due to be held in November 2018 for the delegate to the United States House of Representatives and 20 members of the American Samoa House of Representatives and in November 2020 for the Governor and Lieutenant Governor.

Legislature: Fono (bicameral legislative assembly)

Gross domestic product per capita: $11,289 (2009 chained dollars; 2015 estimate)

Economy: Fishing and agriculture

Unemployment rate: 9.2 per cent (2012 estimate)

Monetary unit: United States dollar

Brief history: It is believed that the Samoan archipelago was settled some 3,000 years ago by people migrating from South-East Asia. The Dutch were the first Europeans to reach the islands, in 1722. The 1899 Treaty of Berlin, also known as the Anglo-German Samoa Convention, apportioned to the United States the eastern islands of the Samoan archipelago.

[a] Secretary's Order 2657 of 29 August 1951 and Secretary's Order 3009, as amended, of 3 November 1977, set forth the extent and nature of the authority of the Government of American Samoa and the manner in which the authority is to be exercised (see the Electronic Library of Interior Policies, United States Department of the Interior).

I. Constitutional, legal and political issues

1. By the late 1800s, internal strife among the chiefs of the islands of the Samoan archipelago and struggles among the colonial Powers of Germany, the United Kingdom of Great Britain and Northern Ireland and the United States of America led to a period of instability. Deeds ceding the islands to the United States from the early 1900s were accepted under the Ratification Act of 1929, which was passed by the United States Congress and enacted on 20 February 1929. Pursuant to that legislation, American Samoans were given the status of United States nationals. The legislation provided for an American Samoan Government with all civil, judicial and military powers to be vested in a designee of the President of the United States. Given that the interest of the United States in the area had been mainly for military purposes, the Territory was placed under the jurisdiction of the United States Navy. On 29 June 1951, through Executive Order 10264 of the President of the United States, administrative responsibility for the Territory was transferred to the Department of the Interior.

2. American Samoa is an unincorporated and unorganized Territory under United States law. Not all provisions of the Constitution of the United States or of United States law apply. Residents of American Samoa are not United States citizens but United States nationals who can freely enter, work or reside anywhere they choose in the United States. Children born in the Territory to foreign parents become United States nationals. American Samoans may not vote in the general elections of the United States but are permitted to participate in presidential primaries and caucuses.

3. The Constitution of the Territory provides for separate executive and legislative branches and an independent judiciary. The executive branch comprises a governor and a lieutenant governor elected for four-year terms by universal adult suffrage. All American Samoans over 18 years of age are eligible to vote. The Governor is responsible for executing both American Samoan and United States laws and has veto power with regard to legislation passed by the Fono.

4. The Fono is a bicameral legislature, comprising the Senate, 18 members of which are chosen by 14 county village councils, and the House of Representatives, 20 members of which are elected by popular vote, with the other appointed as a non-voting delegate from Swains Island. Only a *matai* (chief), the traditional chief of an *aiga* (an extended family), can become a senator. Senators hold office for four years and representatives for two years. The Fono may pass laws with regard to all local affairs, provided that they are not inconsistent with United States laws in force in the Territory or with United States treaties or international agreements.

5. The judicial system consists of a high court, for which the Chief Justice and the associate justices are appointed by the United States Secretary of the Interior, and the local district and village courts, for which the judges are appointed by the Governor and confirmed by the Fono. The High Court is separated into appellate, trial, land and titles and family, drug and alcohol divisions. The United States Congress has granted limited federal jurisdiction to the High Court to hear certain cases involving federal statutory issues, such as occupational safety and health administration issues and ship mortgage actions. Other matters of federal law arising in the Territory are adjudicated in the United States district courts, mainly the federal courts in Hawaii and Washington, D.C. Given that American Samoa is not part of a United States

federal judicial district or circuit, there are no statutory provisions for appealing against decisions of the High Court to a federal district court.

6. The 1960 Constitution of American Samoa was revised in 1967 and subsequently amended in 1970 and 1977. Amendments or modifications, as approved by the United States Secretary of the Interior, may be made only by an act of the United States Congress. In 2008, a referendum that would have revised an aspect of the Constitution did not pass, by a narrow margin. At the Constitutional Convention held in June and July 2010, delegates proposed amendments or revisions to the Constitution, including those relating to the prohibition of further individualization of communal lands in the Territory, the establishment of an impartial jury in all criminal prosecutions, the enhancement of the Samoan language and culture in the educational system, the management and preservation of the natural resources of the Territory in accordance with local laws and the provision for the impeachment of the leaders of the Territory. In the general election held in November 2010, however, the voters overwhelmingly voted against the proposed changes. A constitutional referendum was held during the November 2014 general election, proposing an amendment to the revised Constitution to allow the Fono to override vetoes by the Governor. Voters rejected the proposal.

7. In the general election held in November 2016, voters re-elected Lolo Letalu Matalasi Moliga as Governor and Lemanu Peleti Mauga as Lieutenant Governor. Voters also elected 20 members of the American Samoa House of Representatives and the delegate to the United States House of Representatives (see para. 8).

8. Since 1981, American Samoa has elected by direct vote a delegate to the United States House of Representatives for a two-year term. The delegate may vote in committees. In the general election held in November 2014, Aumua Amata Radewagen became the first female delegate of American Samoa to the United States House of Representatives. She was re-elected to a second term in November 2016.

9. On 26 June 2013, the United States District Court for the District of Columbia dismissed a lawsuit filed by five non-citizen United States nationals born in American Samoa and the Samoan Federation of America (*Tuaua v. United States*) seeking a declaratory judgment that would assert that the citizenship clause of the Fourteenth Amendment extends to American Samoa. As stated in paragraph 2 above, American Samoa is an unincorporated territory, meaning that people born there are not conferred birthright citizenship. In 2014, an appeal was filed before the United States Court of Appeals for the District of Columbia Circuit, and oral arguments were presented on 9 February 2015. In June 2015, a three-judge panel of the Court of Appeals held that constitutional citizenship by birth did not apply in the territories and that those born in American Samoa had no claim to birthright citizenship under the citizenship clause of the Fourteenth Amendment. On 20 July 2015, the plaintiffs petitioned for the full Court of Appeals to review the June decision. On 2 October 2015, the Court of Appeals denied the petition and thereby upheld the decision. On 11 December 2015, the plaintiffs filed a motion to the Supreme Court of the United States requesting a 30-day extension to file a petition for a writ of certiorari seeking the Supreme Court's review of the decision by the Court of Appeals. The Supreme Court granted the plaintiffs' motion, and their petition for a writ of certiorari was submitted on 1 February 2016. The Supreme Court denied the petition for a writ of certiorari on 13 June 2016. The administering

Power and the Government of American Samoa intervened in opposition to the lawsuit, arguing that the citizenship status of the people of American Samoan was a matter for the people to resolve through political processes.

10. Addressing the United States House of Representatives on 27 June 2013, the then delegate from American Samoa, thanked the District Court for its well-reasoned opinion and for reaffirming the authority of Congress to grant citizenship to the people of American Samoa. In his view, the decision would allow the people of American Samoa to decide whether they wished to become citizens. In a letter addressed to the territorial Governor and the Fono in April 2013, he had stated that the lawsuit posed a threat to the traditional culture of American Samoa and that it was unknown whether the entire Constitution of the United States would apply to American Samoa, if the Court applied the citizenship clause to it. He also said that, if people who were born in American Samoa automatically became United States citizens, the United States would likely take control of the immigration system in American Samoa. He had affirmed that it was important that the people of American Samoa, and not the Court, should decide whether they wished to become United States citizens by birthright.

11. According to the administering Power, the Governor of the Territory submitted his official position on the political status of American Samoa in a document dated 13 June 2013, entitled "Decolonization issue regarding American Samoa", which was forwarded in the same month to the Office of Insular Affairs of the United States Department of the Interior. The Governor noted that American Samoa was not a colony of the United States but rather a Territory, a status that had been fashioned voluntarily because of economic reasons. He expressed his appreciation for the continued diligence of the United Nations in working to ensure that the administering Powers revisited existing relationships with their territories or insular possessions so that every opportunity was provided for the latter to opt out if they so desired. In his view, the United Nations was genuinely committed to ensuring that the general welfare of such territories was secured through the development of their financial systems, the strengthening of their Governments and the building of self-sustaining economies.

12. The Governor pointed out that the current status of American Samoa provided more self-determining authority to American Samoa to make its own decisions. The prevailing perception that American Samoa was a colony by definition stemmed from the informal character of its relationship with the United States, given the absence of an organic act that formally defined the relationship. In a de facto sense, he said, American Samoa was part of the United States, substantially self-governing and not a colony in any real sense. He noted that American Samoa had freely, through its deeds of cession, bequeathed its sovereignty to the United States; it had not been acquired through any military conquest. Being part of the United States was really a matter of self-determination.

13. The Governor also noted that, while the federal Government of the United States had lived up to its commitment to American Samoa with regard to the provision of funds, there were current issues decided at the congressional level that had negatively affected the ability of American Samoa to advance its social and economic development prospects. He pointed out, however, that American Samoa had

representation in the United States Congress to register its objections to measures that adversely affected its ability to improve the quality of life in the Territory.

14. The Governor recalled the recommendation made in 2006 by the Future Political Status Study Commission that American Samoa continue as an unorganized and unincorporated territory and that a process of negotiation with the United States Congress for a permanent political status be initiated, in addition to the points forming the basis for such negotiations (see A/AC.109/2008/3). He further expressed his personal preference for the United States Congress, which had the ultimate authority to decide on the type of political status that the United States would have with American Samoa, to relinquish that authority to the people of American Samoa in order to empower them to make the decision that they deemed appropriate.

15. At the Caribbean regional seminar on the implementation of the Third International Decade for the Eradication of Colonialism, held in Managua from 19 to 21 May 2015, the representative of the Governor of American Samoa stated that, while the Territory enjoyed a great deal of self-government, its current legal status was seen as an anachronism that exposed the Territory to situations beyond its control and needed to be remedied. American Samoa continued to get its authority from the President of the United States and the United States Department of the Interior. What was most important to the people of American Samoa were the preservation of its culture and the ability to govern themselves. The Territory did not have appropriate representation in the Government of the United States and was exposed to decisions made by judges and other lawmakers far from the Territory. The Territory was also exposed to coercive taxes, including those that prohibited the ability of American Samoa to use its own resources to better the Territory. Until specific protections were assured, the fact that it lived under the auspices of the United States would make it vulnerable. The United States entered into free trade agreements with many countries that affected American Samoa directly. He expressed the hope that the Territory would soon have a voice in determining the course of its future. On the way forward, he stated that the referendum on a constitutional amendment held in 2014 had sparked a lively public debate among voters and local residents about the political status and future of American Samoa. Although the constitutional amendment had failed to pass, the resulting public discourse had suggested that American Samoa was ready to take the next step in entertaining serious discussion about what its future political status should look like. According to the representative, until the people of American Samoa had exercised their right to determine for themselves their future political status, it was perhaps best that American Samoa remained on the list of Territories to which the Declaration was applicable. In conclusion, he extended an invitation to the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples from the Governor to visit the Territory.

16. According to the administering Power, in March 2016 the Office of Insular Affairs of the United States Department of the Interior awarded $300,000 to the Office of Samoan Affairs to assist the American Samoa Constitutional and Political Status Review Office established by Governor's Executive Order. The purpose of the Review Office is to liaise, advise and collaborate with the legislature of American Samoa on amendments to the Constitution of American Samoa and function as a capacity-building initiative focused on exploring the possibility of political status with a full measure of self-governance and educating the community

on their options. The Office has used the funding to assist in addressing objectives that include determining how negative economic impacts can be addressed by increased self-government, finding the right political model, protecting the people's land and culture, and establishing an entity to sustain those efforts.

II. Budget

17. The final version of the budget for fiscal year 2017, which began on 1 October 2016, amounted to $382.28 million, according to the executive summary submitted by the American Samoa Budget Office. According to the Office of Insular Affairs of the United States Department of the Interior, grant funds are provided each year to American Samoa for the operation of the local government, including the judiciary, to fill the gap between budget needs and local revenues. The 2017 budget request by the Office of Insular Affairs for American Samoa is $22.7 million, with 61.5 per cent allocated to basic operations and 34.7 per cent to the operations of the Lyndon Baines Johnson Tropical Medical Center. According to the Office of Insular Affairs, the operation grant was maintained at a constant level between 2015 and 2016 in order to promote self-sufficiency, requiring American Samoa to absorb the costs of inflation or costs associated with the growing population. The Office of Insular Affairs has designated American Samoa as a high-risk grantee in an effort to improve accountability for federal funds. That designation allows the Office of Insular Affairs to require grantees to comply with special conditions for future or existing grants. The special conditions may include payment of grant funds on a reimbursable basis; withholding approval to proceed from one project phase to another until the receipt of acceptable evidence of current performance; additional project monitoring; and requiring grantees to obtain technical or management assistance. The high-risk designation will be removed once the Government of American Samoa: (a) has completed single audits by the statutory deadline for the two most recent consecutive years, resulting in opinions that are not disclaimed and do not contain qualifications that the Office of Insular Affairs determines in its reasonable discretion to be material; (b) has a balanced budget, as confirmed by independent auditors, for the two most recent consecutive years, without regard for non-recurring windfalls, such as insurance settlements; (c) is in substantial compliance with the memorandum of agreement, signed in 2002 between the territorial Government and the Office of Insular Affairs, and the fiscal reform plan.

III. Economic conditions

A. General

18. As noted in previous working papers, the President of the United States signed the Insular Areas Act into law in 2012, postponing minimum wage increases for 2012, 2013 and 2014. Annual wage increases were to recommence on 30 September 2015 and would continue every three years until all rates reached the federal minimum rate. The wage rates are set for particular industries, not for an employee's particular occupation. The rates are minimum rates; an employer may choose to pay an employee at a rate higher than the rate or rates for its industry.

19. According to the administering Power, Public Law 114-61 was enacted in October 2015, providing an immediate incremental increase of $0.40 per hour in the transitional minimum wage for each industry in American Samoa, with additional increases occurring every three years on 30 September until the minimum wage is equal to that in the United States. Public Law 114-61 also changed the deadline for the United States Government Accountability Office report assessing the impact of minimum wage increases in American Samoa to 1 April 2017, with a subsequent report due by 1 April 2020. The law also directed the Office to report on alternative mechanisms to increase the minimum wage in American Samoa in order to keep pace with the cost of living and eventually equal the minimum wage in the United States.

20. According to the United States Department of Labor, American Samoa has separate minimum wages for 18 industries as at 30 September 2015, currently ranging from $4.58 per hour (garment manufacturing) to $5.99 per hour (stevedoring, lighterage and maritime shipping agency activities). The tuna canning industry, the largest source of private sector employment in the Territory, has a current minimum wage of $5.16 per hour and employs mostly foreign labour from neighbouring Samoa. There is currently one operating cannery and an additional fish company has begun limited operations.

21. In December 2016, the United States Government Accountability Office issued a report entitled "American Samoa: alternatives for raising minimum wages to keep pace with the cost of living and reach the federal level". The report examined the history of the implementation of the minimum wages in the Territory, the status of the economy of American Samoa and alternative approaches for increasing minimum wages.

22. In August 2016, the Bureau of Economic Analysis of the United States Department of Commerce released the gross domestic product (GDP) estimates for the Territory for 2015 and estimates of GDP and compensation by industry for 2014. The estimates of GDP for American Samoa showed that real GDP, adjusted for price changes, increased 1.1 per cent in 2015, after increasing 1.3 per cent in 2014. The growth in the economy of the Territory reflected increases in exports of goods and government spending. Exports of goods grew for a second consecutive year, reflecting the increased activity of the tuna canning industry, which continued to increase its output after a multimillion-dollar canning plant opened in early 2015. Government spending also increased, reflecting growth in spending by the territorial Government. Major projects of the territorial Government in 2015 included the rebuilding of the Satala power plant and the work by the telecommunications authority to improve broadband capacity and coverage in American Samoa.

23. In November 2014, the Territorial Economic Development Implementation Task Force submitted a comprehensive platform for the Territory entitled "Economic development implementation plan for American Samoa, 2014-2017". The plan focused on transportation services and infrastructure, new business and industry, federal government constraints and business climate, agriculture, tourism, fisheries and workforce development.

24. According to the most recent statistical yearbook published by the Department of Commerce of the Government of American Samoa, the balance of trade in fiscal year 2014 recorded a deficit of $255.4 million. Imports include government purchases, the value of fish brought in for processing at the canneries and the value

of commercial merchandise brought in for resale. Trade data is still considered incomplete due to the absence of the post exchange data from the import series. The value of exports consists primarily of canned tuna and its by-products. The United States continued to be the Territory's leading trade partner, followed by New Zealand, the Republic of Korea and Fiji.

B. Fisheries and agriculture

25. According to the report of the United States Government Accountability Office (see para. 21), cannery officials stated that wage increases were among the factors affecting the tuna canning industry in American Samoa and that labour costs, including the minimum wage increases, placed the Territory at a significant cost disadvantage, compared with canned tuna exporting countries.

26. In October 2016, the owner of Samoa Tuna Processors, one of the two tuna canning operations in American Samoa, announced that it was closing its tuna canning operations in December 2016. The company, which had invested $70 million in the facility that opened in January 2015, issued a statement claiming that "the challenging economics of canning tuna in American Samoa combined with external factors facing Samoa Tuna Processors make the company's private label-focused business model for operating the plant economically unsustainable in today's market." The closure of the facility on 17 December 2016 was expected to leave approximately 800 people unemployed.

27. Almost 90 per cent of all farms in the Territory operate on a subsistence basis. Prospects for agricultural development continue to be limited because much of the land is volcanic and mountainous and only a small amount of level land is suitable for cultivation. Farmers benefit from assistance provided by the Natural Resources Conservation Service of the United States Department of Agriculture and its environmental quality incentives programme.

C. Tourism

28. According to the administering Power, tourism has been identified as one of the new key economic pillars for American Samoa because of the uncertainty of the tuna fishing sector, the competition among cannery operators for more catch and access to fishing areas for their fleets and the continuing decrease in profit margin for the canned product. Since the establishment of the American Samoa Visitors Bureau in 2008, the office has marketed the destination overseas and has invested in training members of the local tourism industry in aspects related to the global tourism industry and its requirements.

29. The number of visitor arrivals fluctuated between 2009 and 2016, averaging approximately 25,000 visitors annually. Annual hotel room occupancy, however, has gone from 30 per cent in 2009 to around 70 per cent in 2016, reflecting momentum in the sector, which consists of only 200 hotel rooms. Cruise ship visits have increased from six visits per year in 2009 to between 15-20 ships per year, bringing in more than 50,000 cruise-ship visitors annually.

30. According to the administering Power, partnerships with international travel companies and airlines are being forged and, in 2013, the Territory was ranked fifth on the list of top 10 United States destinations compiled by *Lonely Planet*. A second airline from Samoa has started flying between Samoa and American Samoa, and the American Samoa Visitors Bureau is holding talks with other airlines in the Pacific Region about adding new services to the Territory.

D. Transport and communications

31. There are some 180 km of public and primary paved roads and 235 km of secondary village roads in American Samoa. Pago Pago harbour, an all-weather deep-draught harbour, has a main dock that is 1,000 feet long, handling ships of up to a 32-foot draught. The harbour provides the full complement of equipment and facilities. The ship repair facility features a 3,000-ton marine railway.

32. The four airports in the Territory are situated on the islands of Tutuila, Ofu, Olosega and Ta'u. Pago Pago International Airport is owned and operated by the territorial Government. It is served by one commercial passenger airline that provides service twice a week and sometimes three times a week during peak seasons. There is one weekly cargo flight that links American Samoa with Hawaii and the continental United States. Within the Territory, there is one foreign airline that provides twice a week service to Ofu and Ta'u. There is no airline service to Swains Island.

33. The Territory's air transport service to and from the United States is severely restricted by United States cabotage laws that prohibit foreign carriers from transporting passengers between American Samoa and other parts of the United States, according to the Comprehensive Economic Development Strategy document.

34. The Territory has three FM radio stations and three AM radio stations, serving some 57,000 radios. One government-owned television station broadcasts more than three channels to some 14,000 television sets. Internet access is provided by the American Samoa Telecommunications Authority, a semi-autonomous government agency. Cable television and Internet services are also available from a private company, which is partly owned by the Government of American Samoa.

E. Water, sanitation system and utilities

35. The American Samoa Power Authority provides water, wastewater, solid-waste and electricity services to customers on five of the seven islands. It provides drinking water to 90 per cent of the Territory from wells, with the remaining 10 per cent being serviced by outer-village systems.

36. According to the United States Energy Information Administration, American Samoa is nearly 100 per cent dependent on imported fossil fuels, including diesel fuel, for electric power generation. Electricity prices in American Samoa varied between three and four times the United States average in 2014. A significant amount of its electricity is used to pump and treat drinking water. The American Samoa Power Authority owns and operates two generating plants and the electric grid on Tutuila, plus two other small generating plants and grids serving the Manu'a

island group. The Authority also provides drinking water and wastewater treatment. In September 2009, an earthquake and tsunami destroyed the Satala generating plant, reducing generating capacity on Tutuila by half. Generators burning ultra-low-sulphur diesel temporarily replaced those destroyed in 2009. A 24.5-MW replacement plant, with high-efficiency diesel generating sets, was scheduled for completion in 2016.

F. Renewable energy

37. With the Territory's high cost of electricity and geographic isolation, the Government established a renewable energy committee to work with federal experts to bring sustainable renewable energy to the islands. The committee has developed energy strategies to explore the potential for wind, solar, photovoltaic and geothermal power on Tutuila and on the Manu'a islands. The committee's energy action plan for 2016 contains four short-term strategies selected by the committee and the steps that will need to be taken to implement the strategies. In August 2016, the energy committee adopted a goal of having 50 per cent of energy in American Samoa drawn from renewable energy sources by 2025 and 100 per cent by 2040. In November 2016, the Power Authority dedicated a 1.4 MW solar grid for the island of Ta'u. The Ofu solar hybrid project will replace 90 per cent of the current diesel use and provide 24 hours of reliable power for the islands of Ofu and Olosega. According to the United States Energy Information Administration, the Authority is considering adding an in-stream hydropower turbine on the Ofu-Olosega system to reach the goal of using energy derived from 100 per cent renewable sources.

IV. Social conditions

A. General

38. Known as *fa'asamoa*, the Samoan way of life is based on the notion of mutual respect and sharing among the *aiga*, each featuring a common allegiance to a *matai*, and it influences every aspect of the socioeconomic fabric of the Territory. Since 2008, the legislature has been working to further strengthen the use of the Samoan language in public schools, in tandem with English.

39. In 2011, the Pacific office of the United Nations Children's Fund and the secretariat of the Pacific Community published *The State of Pacific Youth 2011: Opportunities and Obstacles*, a report highlighting significant problems facing young people in the Pacific, including American Samoa, such as the high number of teenage pregnancies, the high proportion of female teenagers who are raped (26 per cent) and the high incidence of alcohol abuse.

40. According to the statistical yearbook for 2014 published by the Department of Commerce of the Government of American Samoa, 57.8 per cent of the population, or 54.4 per cent of families, were below the United States poverty level in 2010. Of the 3,875 grandparents reported to have lived with their grandchildren, 66 per cent of them were responsible for their grandchildren.

B. Labour and immigration

41. According to the 2016 report of the United States Government Accountability Office (see para. 21), local government and tuna canneries are the largest employers, accounting for 42 per cent and 14 per cent of the workforce, respectively, in 2014. From 2007 to 2014, overall employment fell by 4 per cent, and workers' average inflation-adjusted earnings fell by about 11 per cent. During the same period, cannery employment decreased by 50 per cent, and the minimum wage for cannery workers rose. According to the same report, the Government of American Samoa has expressed concern that continued minimum wage increases are at odds with sustainable economic development.

42. American Samoa has its own immigration laws and conditions for entry to the Territory, which are not the same as those applicable to the United States. As previously reported, a new immigration law for American Samoa has entered into force, giving the Attorney General, rather than a government-appointed board, full authority over the granting of permanent resident status. In the Comprehensive Economic Development Strategy document, it was reported that local control of immigration was an important advantage to American Samoa, especially in view of the limited range of skills among its labour force and the need to bring in skilled workers and management for many industries. It recommended revising the immigration law, policy and procedures to better accommodate business labour requirements and expressed concern that local immigration and customs control in American Samoa could be federalized, a scenario that could have very severe adverse effects on the local labour market.

43. In the Unified Plan submitted by American Samoa under the Workforce Innovation and Opportunity Act of 2016 it was revealed that emigration of workers from the Territory to the United States was balanced by immigration of foreign tuna cannery and fishery workers. The Plan identified a number of issues causing the labour force to leave the Territory, including low wages compared with those in neighbouring States and Pacific jurisdictions, slower economic growth due to costs associated with transportation, distribution and housing, and the slow development of infrastructure in the Territory owing to its being subject to major environmental impacts and lacking funding to improve upon current infrastructure.

C. Education

44. Education in American Samoa is compulsory for those between 6 and 18 years of age. The education system is broadly based on that of the United States. A total of 95.7 per cent of the student population is from American Samoa, whereas 4.3 per cent of students are from China, the Philippines, the Republic of Korea and other Pacific islands.

45. American Samoa has a literacy rate of approximately 97 per cent. There are five school districts, each centred on a high school together with lower-level elementary schools. The Department of Education of American Samoa comprises 22 early childhood education centres, 22 elementary schools and six high schools. It serves more than 15,531 students from kindergarten to grade 12, early childhood education and special education programmes. It has 563 teachers in elementary

education, 248 in secondary education, 18 in vocational education, 202 in special education and 118 in early childhood education.

D. Public health

46. According to the World Health Organization (WHO) country cooperation strategy for American Samoa for the period 2013-2017, the most serious health issues are related to the increase in chronic and non-communicable diseases, owing to improper nutrition and physical inactivity. There have been significant increases in the incidences of obesity, hypertension, cardiovascular diseases, cerebrovascular diseases, diabetes mellitus and its complications, arthritis and some forms of cancer. Some 16 per cent of the budget of the Lyndon Baines Johnson Tropical Medical Center comes from the federal Government, and most of the funds are used to purchase medical supplies. Vaccines and pharmaceuticals are purchased in the United States, given that the Food and Drug Administration prohibits the purchase of medicines elsewhere. Logistical and financial factors cause frequent scarcity problems.

47. According to WHO, the morbidity pattern has fundamentally changed over the past three decades, with an increase in non-communicable diseases stemming from modernization and lifestyle changes. Inappropriate nutrition and physical inactivity are the leading causes of the significant increases in obesity rates for both sexes, especially among young people.

E. Crime and public safety

48. The Territory has continued to enhance cooperation with the Pacific Islands Chiefs of Police organization and the United States Department of Justice through its Office of Territorial and International Criminal Intelligence and Drug Enforcement.

49. In 2012, it was announced that all Federal Bureau of Investigation operations and investigative efforts in American Samoa would be handled by the Bureau's office in Honolulu, Hawaii. The decision for the consolidation was made by the United States Congress for budgetary reasons.

V. Environmental protection and disaster preparedness

50. The American Samoa Environmental Protection Agency, funded by the United States Environmental Protection Agency, is mandated to protect human health and to safeguard the natural environment, in particular air, water and land.

51. American Samoa faces the problem, common to the South Pacific, of the safe disposal of solid and liquid waste, in particular as a result of urbanization. According to the United Nations Environment Programme, point source pollution from industrial waste and sewage, inappropriately sited and poorly managed garbage dumps and the disposal of toxic chemicals is a significant contributor to marine pollution and coastal degradation. There is growing concern that toxic and hazardous waste may be brought to the region from developed countries for disposal.

52. The United States Department of the Interior awarded $812,000 to the Government of American Samoan to address climate change priorities. The initiatives included creating a climate change adaptation strategy to identify and prioritize the immediate actions that American Samoa needs to take to best adapt to climate change, developing a centralized geographical information service server for all Government agencies in the Territory, which will serve as a tool to analyse and visualize data in order to more effectively understand and predict the effects of climate change and aid in adaptation planning, and conducting vulnerability assessments of urban systems and infrastructure in order to analyse vulnerabilities to climate-related stress and climate change-induced events.

VI. Relations with international organizations and partners

53. American Samoa has been an associate member of the Economic and Social Commission for Asia and the Pacific since 1988. International labour conventions and recommendations are applicable to it. The Territory belongs to various regional bodies of the United Nations system, including WHO, for which it falls under the auspices of its Regional Office for the Western Pacific and its Western Pacific Regional Centre for the Promotion of Environmental Planning and Applied Studies.

54. American Samoa is a member of several regional organizations, including the Pacific Community, the Pacific Basin Development Council, the Pacific Tuna Development Foundation, the Pacific Islands Association of Non-governmental Organizations, the Asia South Pacific Association for Basic and Adult Education, the Pacific Asia Travel Association and the Pacific Regional Environment Programme. The Territory participates in the Secretariat of the Pacific Community Applied Geoscience and Technology Division and the Pacific Community Coastal Fisheries Programme. American Samoa also belongs to United States organizations, such as the National Governors Association and the Western Governors' Association. The Government of American Samoa has signed memorandums of understanding with the Governments of Samoa and Tonga on mutual economic cooperation and has sent trade missions to countries in the Pacific region. American Samoa hosted the seventh Pacific water conference and exposition of the Pacific Water and Wastes Association from 9 to 11 September 2014. The Territory also holds observer status with the Pacific Islands Forum and the Alliance of Small Island States.

VII. Future status of the Territory

A. Position of the territorial Government

55. Section I of the present working paper reflects recent developments in American Samoa concerning its future political status.

B. Position of the administering Power

56. In a letter dated 2 November 2006 addressed to the delegate of American Samoa to the United States House of Representatives, the United States Assistant

Secretary of State for Legislative Affairs set forth the position of the Government of the United States on the status of American Samoa and other United States insular areas. He indicated that the status of the insular areas regarding their political relations with the federal Government was an internal United States issue and not one that came under the purview of the Special Committee. He also indicated that the Special Committee had no authority to alter in any way the relationship between the United States and those territories and had no mandate to engage the United States in negotiations on their status. He further indicated that, at the same time, in accordance with its obligations under the Charter of the United Nations to provide regularly to the United Nations statistical and other information of a technical nature relating to the economic, social and educational conditions in the Non-Self-Governing Territories, the federal Government submitted annual updates on United States territories to the Special Committee as a demonstration of the cooperation of the United States as an administering Power and to correct any errors in information that the Special Committee might have received from other sources.

57. According to the administering Power, on 23 February 2016, the Assistant Secretary for Insular Areas of the United States Department of the Interior hosted a panel discussion in Washington, D.C., on self-determination in, American Samoa, Guam and the United States Virgin Islands. The panel included territorial experts and officials from the United States Department of the Interior and the Department of State and provided an updated context for federal policymakers and for a new generation to learn about the status of self-determination in the respective territories and to understand their rights with regard to self-determination under federal and international law. The panel experts reaffirmed the administering Power's position that, under the United States Constitution, only the United States Congress has the plenary power to dispose of and make needful rules and regulations respecting the territories. It was also re-established that it is the administering Power's policy that the territories have three distinct options for exercising self-determination: continued territorial status, statehood or independence.

VIII. Action taken by the General Assembly

58. On 6 December 2016, the General Assembly adopted resolution 71/108 without a vote, on the basis of the report of the Special Committee (A/71/23) and the subsequent recommendation by the Fourth Committee. In that resolution the Assembly:

(a) Reaffirmed the inalienable right of the people of American Samoa to self-determination, in conformity with the Charter of the United Nations and with General Assembly resolution 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples;

(b) Also reaffirmed that, in the process of the decolonization of American Samoa, there was no alternative to the principle of self-determination, which was also a fundamental human right, as recognized under the relevant human rights conventions;

(c) Further reaffirmed that it was ultimately for the people of American Samoa to determine freely their future political status in accordance with the

relevant provisions of the Charter, the Declaration and the relevant resolutions of the General Assembly, and in that connection called upon the administering Power, in cooperation with the territorial Government and appropriate bodies of the United Nations system, to develop political education programmes for the Territory in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in Assembly resolution 1541 (XV) and other relevant resolutions and decisions;

(d) Welcomed the work of the territorial Government with respect to moving forward on political status, local autonomy and self-governance issues with a view to making political and economic progress, and also welcomed the establishment in April 2016 of the Office of Political Status, Constitutional Review and Federal Relations;

(e) Recalled the indication by the territorial Government that American Samoa should remain on the list of Non-Self-Governing Territories, under the purview of the Special Committee, until such time as its people have exercised their right to self-determination;

(f) Expressed its appreciation for the invitation extended in 2015 by the Governor of American Samoa to the Special Committee to send a visiting mission to the Territory, called upon the administering Power to facilitate such a mission if the territorial Government so desires, and requested the Chair of the Special Committee to take all the steps necessary to that end;

(g) Requested the administering Power to assist the Territory by facilitating its work concerning a public awareness programme, consistent with Article 73 *b* of the Charter, and in that regard called upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

(h) Stressed the importance of the Special Committee being apprised of the views and wishes of the people of American Samoa and enhancing its understanding of their conditions, including the nature and scope of the existing political and constitutional arrangements between American Samoa and the administering Power;

(i) Called upon the administering Power to participate in and cooperate fully with the work of the Special Committee in order to implement the provisions of Article 73 *e* of the Charter and the Declaration and in order to advise the Committee on the implementation of the provisions under Article 73 *b* of the Charter on efforts to promote self-government in American Samoa, and encouraged the administering Power to facilitate visiting and special missions to the Territory;

(j) Reaffirmed the responsibility of the administering Power under the Charter to promote the economic and social development and preserve the cultural identity of the Territory, and requested the administering Power to take steps to enlist and make effective use of all possible assistance, on both a bilateral and a multilateral basis, in the strengthening of the economy of the Territory;

(k) Took into account the 2030 Agenda for Sustainable Development, including the Sustainable Development Goals, stressed the importance of fostering the economic and social sustainable development of the Territory by promoting sustained, inclusive and equitable economic growth, creating greater opportunities

for all, reducing inequalities, raising basic standards of living, fostering equitable social development and inclusion and promoting the integrated and sustainable management of natural resources and ecosystems that supports, inter alia, economic, social and human development, while facilitating ecosystem conservation, regeneration, restoration and resilience in the face of new and emerging challenges, and strongly urged the administering Power to refrain from undertaking any kind of illicit, harmful and unproductive activities, including the use of the Territory as a tax haven, that are not aligned with the interest of the people of the Territory;

(l) Requested the Territory and the administering Power to take all measures necessary to protect and conserve the environment of the Territory against any degradation, and once again requested the specialized agencies concerned to monitor environmental conditions in the Territory and to provide assistance to the Territory, consistent with their prevailing rules of procedure;

(m) Requested the Special Committee to continue to examine the question of American Samoa and to report thereon to the General Assembly at its seventy-second session and on the implementation of the present resolution.